

MEMORANDUM # 8-82

Air Pollution Control Plan (issued 3/31/82, updated 10/1/01)

In accordance with §§4 VAC 25-130-780.18(b)(9) and 4 VAC 25-130-784.13(b)(9) of the **Virginia Coal Surface Mining Reclamation Regulations**, the Department of Environmental Quality (<http://www.deq.state.va.us/> - Air Compliance Office) will review the Air Pollution Control Plan of each coal surface mining and reclamation operation permit application and have the opportunity to submit comments pursuant to §4 VAC 25-130-773.13 of the regulations.

The Air Pollution Control Plan should include, at a minimum, the following information:

1. Surface mining operation - Fugitive dust control plan for haul-roads (all the way to the pit) and for the equipment use in the mining process, particularly dust collectors on drills.
2. Surface disturbances of
Underground operations - Fugitive dust control plan for haul-roads (all the way to the underground mine face), open stockpiles, storage silos (particularly rock dust silos).
3. Preparation Plants, Tipples,
and Refuse areas' Fugitive dust control plan for haul-roads and areas associated with these facilities.

§§4 VAC 25-130-816.95 and 4 VAC 25-130-817.95 set forth the performance standard requirements for air pollution control. These do not supersede any requirements administered by the DEQ's Air Compliance office.

MEMORANDUM # 11-82

Archaeological Sites or Historic Places (issued 6/7/82, updated 10/1/01)

The Virginia Department of Historic Resources (VDHR) should be contacted for a determination of the archaeological significance of the area proposed for a coal surface and reclamation permit (<http://www.dhr.state.va.us/>). The contact will aid the company in addressing the information requirements of §4 VAC 25-130-761.12(f) of the Virginia Coal Surface Mining Reclamation Regulations. The following information should be provided to VDHR to assist its research –

1. Delineation of the area disturbed within the proposed mining area;
2. Information on the slope grade (in per cent) of the proposed area to be affected by the mining operation; and,
3. A 7.5 minute quadrangle topographic (USGS) map – quad identified - outlining the proposed mining operation.

A copy of correspondence sent to VDHR should be incorporated into the coal surface mining and reclamation permit application.

MEMORANDUM # 3-83

Certificates of Deposit (issued 2/10/83, updated 10/1/01)

§4 VAC 25-130-800.16 of the regulations require that performance bonds, such as certificates of deposit, be made payable to the “Commonwealth of Virginia, Director-Division of Mined Land Reclamation”.

The Division will not accept interest payments. Interest payments for the certificates of deposit should be made payable to the party putting up the certificate. There may be other means available for handling interest payments. The Division does not have to approve methods for handling interest payments.

MEMORANDUM # 12-83

Permit Revisions (issued 9/27/83, updated 10/1/01)

All revisions (see §4 VAC 25-130-774.13) to the detailed plans shall be filed with the Division and approved before the permittee implements the revision to operations. When a revision to the approved plans is necessary, the permittee should:

1. Complete the applicable portions of **DMLR-PT-034e**, with all plans, supporting data included.
2. Contact the Inspector for a field review of the revision and assignment of the revision application number.
3. If the revision proposes a significant departure from the approved plans, ensure the application complies with the public notice requirements of §4 VAC 25-130-773.13.

A complete copy of a significant revision application must be filed at the public office for the public to inspect and copy (by the 1st day of publication of the newspaper notice).

MEMORANDUM # 4-84

Permit Renewals (issued 5/23/84, updated 10/1/01)

§4 VAC 25-130-774.15 provides that a valid permit carries with it the right of successive renewal, within the approved boundaries of the existing permit, upon the expiration of the permit term.

1. Permittee will receive 180 days in advance notice of permit's pending expiration date.
2. Permittee should notify the DMLR if it does not intend to conduct mining after the permit's expiration date.
3. Permittee intending to continue operations beyond expiration date shall submit renewal application at least 120 days prior to permit's expiration date.
4. The DMLR field inspector must review the renewal application prior to its submittal to the Big Stone Gap office.

MEMORANDUM # 5-84

Reclamation Fees (issued 5/25/84, updated 10/1/01)

Pursuant to §4 VAC 25-130-773.17(g), the permittee shall submit proof that all reclamation fees lawfully required under Title IV of the Federal Act have been paid. The permittee may utilize form **DMLR-PT-244** in providing the necessary proof. Only one original affidavit will be required during the quarter. For subsequent permit or revision applications that quarter, the permittee should attach a copy of the affidavit.

MEMORANDUM # 2-85

Confidential Information (issued 2/8/85, updated 10/1/01)

§4 VAC 25-130-773.13(d)(3) describes the information which may be kept confidential in a permit application. Confidential information must be bound separately and clearly identified as "Confidential". Any information submitted as confidential and deemed by the DMLR not to be confidential will be returned to the permittee to incorporate into the application.

MEMORANDUM # 4-85

Notice of Effluent Non-Compliance Reports (issued 2/25/85, updated 10/1/01)

Pursuant to §§4 VAC 25-130-816.42 and 4 VAC 25-130-817.42 and the approved NPDES permit, permittees are required to notify the DMLR of any instance when NPDES surface water effluent limitations are exceeded. The permittee is required to –

1. Immediately report by telephone the non-compliance to the DMLR's water quality staff.
2. Submit a written Notice of Effluent Non-Compliance (**DMLR-PT-084**) to the DMLR within 5 days.

In instances where the water monitoring is handled through a contracting laboratory/service, the permittee is still responsible to ensure the reporting procedure is complied with. Failure to report in a timely manner could result in enforcement action.

MEMORANDUM # 8-85

NPDES Enforcement Policy (issued 4/7/85, updated 01/09/04)

The permittee is strictly liable for any violation of the NPDES permit; however, this policy will focus on those repeat effluent violations of sufficient magnitude and duration to be considered for regulatory review or response.

The Division will use EPA's definitions of "Significant Non-Compliance" (SNC) and "Chronic Non-Compliance" (CNC) as guidelines in considering enforcement action for effluent violations reported by the permittee on the monthly Discharge Monitoring Reports (DMRs: **DMLR-PT-119**).

§§4 VAC 25-130-816.42 and 4 VAC 25-130-817.42

- Reported effluent characteristics in excess of the monthly average limitation will be evaluated in regard to its magnitude and duration. SNC and CNC will be considered as a violation of 45.1.254, subject to enforcement action.
- **Significant non-compliance** (SNC)– monthly average limitation is exceeded by 40% or more for any 2 months in a consecutive 6-month period.
- **Chronic non-compliance** (CNC)- monthly average limitation is exceeded for any 4 months of a consecutive 6-month period. Violations of pH or settleable solids limitations in 4 months of a consecutive 6-month period.
- **Technical Review Criteria** (TRC) – 40% excess of limitation for total suspended solids, iron, and manganese parameters. (Settleable solids and pH do not have monthly average limitations; therefore, are not evaluated using this criteria.)

Parameter	Monthly Average Limit	TRC
Total suspended solids (TSS)	35 mg/l	49 mg/l
Iron (existing source) (TFe)	3.5 mg/l	4.9.mg/l
Iron (new source) (TFe)	3.0 mg/l	4.2 mg/l
Manganese (TMn)	2.0 mg/l	2.8 mg/l

All NPDES monitoring and reporting required of the permittee will remain unchanged, and there will be no change in the policy regarding single event and short term non-compliance that is reported by the permittee. The field inspector upon the next routine inspection will address all daily maximum and monthly average violations that are noted on the DMRs. However, violations deemed to be serious shall be investigated and addressed immediately.

MEMORANDUM # 13-86

Application Processing Time Limit (issued 12/18/86, updated 10/1/01)

§4 VAC 25-130-774.13(b)(1) of the regulations requires the Division to establish a time period for its review and approval/disapproval of a revision application. The time period has been set as 12 months from the date of initial submittal.

The Division will administratively deny revision applications that have been submitted in excess of 12 months (with no recent action on the permittee's part). This denial does not prevent the permittee from updating the application package and submitting it as a new revision application.

Applications for new permits will be acted upon (approval or disapproval) within 18 months from the date of submittal.

MEMORANDUM # 1-87

Significant and Insignificant Revisions (issued 1/14/87, updated 10/1/01)

The following criteria will be used to determine whether a revision application should be classified as significant or insignificant (§4 VAC 25-130-774.13).

<u>Significant Revision</u>		<u>Minor (Insignificant) Revision</u>
1. Change to issue that was subject to public controversy or citizen/agency objections		Post mining land use changes that do not involve industrialization/commercialization (of areas not previously approved for such).
2. Potential for adverse impacts upon individuals or their rights		Change in ownership where name and address of the permittee does not change.
3. Change from non-industrial/commercial to industrial/commercial land use.		Deletion of undisturbed areas
4. Increase in area above PMU where buildings/renewable resources may be adversely impacted		Change in coal removal method provided no additional adverse impacts will occur.
5. Addition of permanent coal processing facility or washing facility (with NPDES discharge(s)) where none approved in original permit.		Expanding/increasing coal amt. Removed from seams or locations within permit provided adverse environmental impacts do not increase in magnitude or in time.
6. Addition of coal processing waste disposal area (other than insignificant amounts)		Redesign/relocation of drainage control structures – applicant shows perennial streams won't be affected.
7. Changes that could impact surface/ground water quality/quantity. Changes in findings of PHC or CHIA		Change in mining cut/sequence
8. Change from surface to underground mining operations,		Revisions to comply with remining regulations by using all available materials

<u>Significant Revision</u>		<u>Minor (Insignificant) Revision</u>
from room & pillar to longwall, or addition of underground entries to surface operation		for partial highwall backfilling
9. Changes to operations/reclamation plans that may have adverse impacts not considered in original permit approval.		Addition of an entry/ventilation shaft to underground mine, provided no additional adverse impacts will result.
10. Retention of impoundment as permanent.		
11. Diverting perennial stream(s), unless can demonstrate no significant impact upon PHC or fish/wildlife.		
12. Addition of NPDES discharge point(s) if significant to PHC (requires public participation under Clean Water Act).		

MEMORANDUM # 6-88

Waiver to Mine Within 300 Feet (issued 5/6/88, updated 10/1/01)

§4 VAC 25-130-761.11(e) of the regulations allows a company to mine within 300 feet of an occupied dwelling if the owner(s) of the structure has provided a written waiver consenting to surface coal mining operations closer than 300 feet. The waiver must be executed and approved by the Division prior to the company's land disturbing activities within 300 feet of the dwelling.

The permittee may utilize form DMLR-PT-223 in obtaining the written waiver. The waiver should also provide for the transfer of the permit to subsequent applicants without requiring new waivers.

MEMORANDUM # 3-89

Filing Application – Public Participation Process (issued 3/17/89, updated 10/1/01)

§4 VAC 25-130-773.13(a)(2) of the regulations requires that the applicant for a permit make the application available for public review and copying at a public office of the county/city where the mine site is located.

In order to ensure public access and prevent delays in the application decision process, the Division will require the applicant to obtain a receipt or other documentation from the public

office to verify the application was properly filed and made available for public inspection (from the 1st date of public notice publication through the end of the public comment period. The applicant can use form **DMLR-PT-236**.

This requirement applies to each permit, significant revision, and renewal application.

MEMORANDUM # 9-89

Mining Operations Near Facilities (issued 6/9/89, updated 10/1/01)

§§4 VAC 25-130-816.180 and 4 VAC 25-130-817.180 of the regulations require that all surface coal and underground mining activities be conducted in a manner that minimizes damage, destruction, or disruption of services provided by oil, gas, and water wells; oil, gas, and coal slurry pipelines; railroads; electric and telephone lines; and water and sewage lines which pass over, under, or through the permit area, unless otherwise approved by the owner of those facilities and the Division.

As of August 1, 1989, permittees are required to provide advance notification to owners, the Division, and appropriate regulatory agencies exercising jurisdiction over the facilities prior to beginning operations within 300 feet of the facilities.

MEMORANDUM # 1-90

Baseline Hydrologic Data Requirements (PHC Assessment) (issued 1/17/90, updated 10/1/01)

According to §§4 VAC 25-130-780.21 and 4 VAC 25-130-784.14 of the regulations, permit applications must provide data sufficient to make a Probable Hydrologic Consequences (PHC) determination. The surface and ground water monitoring plans are based upon that determination, as well. In addition, the Division uses this data in developing the Cumulative Hydrologic Impact Assessment (CHIA).

The process for developing these plans should –

1. Establish seasonal surface and ground water baseline hydrologic conditions;
2. Describe existing and anticipated impacts;
3. Design the operation to minimize impacts within the permit and adjacent areas and to prevent material damage to the hydrologic balance outside the permit area;
4. Prepare the PHC determination; and,
5. Design a water monitoring plan to quantify actual impacts.

(Existing data may be extrapolated and used in compiling the required information.)

Ground Water Baseline Data -

§§4 VAC 25-130-780.21(b)(1 and 2) and 4 VAC 25-130-784.14(b)(1 and 2) of the regulations require documentation of seasonal quantity and quality of surface and ground waters.

A minimum of 6 months of data for both surface and ground waters is required to quantify baseline conditions. The PHC determination cannot be made, nor can the monitoring sites be determined, until seasonal baseline is established. Baseline data in the potential impact area can be established from water supply inventories, surveys of springs, seeps, flooded underground works, mine discharges, streams, and baseline monitoring wells.

The regulations also require a water supply inventory for all supplies in the potential impact area of surface and underground mines. Including complete inventory data with the permit application submittal will strengthen the PHC determination and minimize the permit review processing time.

Geologic Logs –

The location of ground water occurrences must be labeled on the geologic log (§§4 VAC 25-130-780.22(b)(2)(i) and 4 VAC 25-130-784.22(b)(2 and 3)(i)), on the geologic cross-section and the stratigraphic data sheet in the lithology modifiers column. If not available for existing logs, data may be provided by other means. However, the location of ground water occurrences is required on all logs submitted for sections measured or holes drilled.

Narratives –

A narrative must accompany baseline data discussing and interpreting the data significance. The PHC narrative must evaluate all geologic and hydrologic data relative to the proposed operation (§§4 VAC 25-130-780.21(f) and 4 VAC 25-130-784.14(e)). Using hydrologic baseline data, each water-bearing stratum should be addressed in the narrative with a determination made as to its significance to the hydrologic balance within the cumulative impact area. The potential impact of subsidence should also be discussed in the PHC narrative.

After the baseline conditions have been established, the mining plan developed, and the PHC determination made, the surface and ground water compliance monitoring plans should be developed to determine if the impacts are as anticipated by the PHC.

MEMORANDUM # 3-90

Standardized Reporting Form (Quarterly Acid-Base Monitoring) (issued 6/28/90, updated 10/1/01)

As of July 1, 1990, the Division required the use of a standard reporting form for quarterly acid-base monitoring reports (**DMLR-PT-239**), to be filled out by the company or laboratory performing the analysis.

At the end of each calendar quarter, 2 copies of the report form should be submitted to the Division's Big Stone Gap office. (Even if no material was placed during the quarter or the facility was inactive, the report form should still be submitted stating such.) A separate reporting form should be submitted for each sample taken and analyzed. The area inspector does not have to review and initial the reports.

MEMORANDUM # 2-91

Cost Bond – Long Term Facilities (issued 2/5/91, updated 10/1/01)

§4 VAC 25-130-800.17(b)(2) of the regulations specifies the cost of removing the facilities associated with the long-term disturbances shall be considered in the performance bond calculation. The Division may exclude the cost of removing facilities that will remain on the site after the operation is completed and the facilities retention is necessary to achieve the post mining land use.

MEMORANDUM # 5-91

Certification of Maps, Plans, and Cross Sections (issued 5/7/91, updated 10/1/01)

As required under §18VAC10-20-760 (Use of seal) of the **Virginia Administrative Code** (Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects), the Division will only accept certifications that contain the certifying professional's stamp or seal, as well as an original signature and date, on each sheet of plans, drawings, plats or maps.

MEMORANDUM # 3-92

Updating Ownership and Control Information (issued 4/28/92, updated 10/1/01)

Whenever the legal structure of a permittee changes, the Division must verify the company's eligibility to conduct coal surface mining operations through its permit records and the Applicant Violator System (AVS).

To delete the name of an owner, officer, director, principal stockholder, or other company official from the Division's record, the permittee must submit an affidavit, notarized letter or notarized Board resolution describing the change. The document should specify the effective date of the change.

The permittee would also need to submit an application to update the permit records. To add or delete the names of the owners, officers, directors, principal stockholders, or other company officials, the permittee would need to submit –

- **DMLR-PT-034p**, for changes to the permittee's ownership and control.
- **DMLR-PT-034o**, for changes to the operator's (contractor) ownership and control.

MEMORANDUM # 7-92

Public Notices (issued 9/11/92, updated 10/1/01)

The Division is responsible for seeing that the public is adequately informed concerning the location and nature of a proposed or existing coal surface mining operation based upon what appears in the public notice required by §4 VAC 25-130-773.13(a)(1) of the regulations.

Public notices must be understandable and clearly delineate the location and nature of the proposed operation.

MEMORANDUM # 8-92

NPDES Permits – Storm Water Discharges (issued 9/25/92, updated 10/1/01)

Storm water discharges will be addressed in the NPDES permit application (**DMLR-PT-128**). The application must include, at the minimum, monitoring representative of the entire site for 1 storm event. Applications for proposed operations should use estimated parameter values based on discharges from operations similar in nature and submit site specific storm water analysis for discharges when the operation starts (Terms of Issuance). Operations with multiple discharges may use representative monitoring sites for pond and haulroad discharges that are substantially identical.

Storm water analyses (in addition to the coal industry parameters of pH, TSS, Fe, & Mn) will also monitor the parameters of oil and grease; COD; BOD5; total phosphorus; total Kjeldahl nitrogen; and nitrate plus nitrite nitrogen.

MEMORANDUM # 9-92

DMLR Blasters Endorsement Certification (issued 12/1/92, updated 10/1/01)

Effective January 1, 1993, the Division of Mines (DM) began processing and issuing original applications and renewals of coal surface mine blaster certifications. DM also began conducting endorsement training and tracking all data and information related to the certification and endorsement procedures.

DMLR continues to issue the blaster endorsement certifications and enforce blasting enforcement standards (including suspension or revocation of the endorsement certification, as needed).

Function	Contact	Telephone
Applications, Renewals, & general certification	DM – Mary Gibson	(276) 523-8234

information		
DM Training & DMLR Endorsement training	DM – Mike Willis	(276) 523-8231
Blaster violation history, suspension/revocation procedures	DMLR – J. H. Rivers	(276) 523-8159

MEMORANDUM # 5-93

Contractor Information in Public Notices (issued 6/14/93, updated 10/1/01)

Information that a contractor will be doing the actual mining on a proposed mining operation should be included in the public notice required under §4 VAC 25-130-773.13 of the regulations. The information should also provide the contractor's name and address.

MEMORANDUM # 9-93

Company Structure Master File (issued 11/17/93, updated 10/1/01)

The permittee is required to update the ownership and control information whenever a change occurs in the company structure for the permittee and operator. Forms **DMLR-PT-034p** and **DMLR-PT-034o** are to be used to update the relevant information.

In order to reduce copying and costs for the permittee, the Division has established a **company structure master file for the permittee information**. Future permit applications may reference the permittee's master file if no changes have occurred in the company's legal structure since the last update. The permittee would only need to submit an affidavit (**DMLR-PT-250**) with the application materials certifying that no changes have occurred from the previous information filed with the Division.

The permittee must maintain and make available a duplicate copy of the master file at the appropriate courthouse(s) or public office(s) where the permit application (including significant revisions and renewals) is filed for public inspection.

MEMORANDUM # 7-94

NPDES Monitoring and Reporting Requirements (issued 8/29/94, updated 10/1/01)

Effective January 1, 1995 –

- Results of NPDES monitoring shall be reported quarterly on the Discharge Monitoring Reports (**DMLR-PT-119**). The monitoring results shall be reported for each discharge within 30 days after the end of the calendar month.
- All discharges from active mining areas shall be sampled 2 times per calendar month. Discharges from reclamation areas shall be sampled 1 time per calendar month.

Discharges from underground mine drainage shall be sampled 2 times per calendar month. All samples shall be collected at least 7 days apart.

- Qualifying rainfall event for the purposes of determining the eligibility of a discharge for the alternate storm limitations are –

Qualifying Rainfall Events for Discharges	
Pre-reclamation areas	0.2"/24 hrs.
Refuse areas	2.5"/24 hrs.
Controlled surface water	4.4"/24 hrs.
Commingled water	4.4"/24 hrs.

MEMORANDUM # 11-94

Public Notice and Comment Periods (issued 11/21/94, updated 10/1/01)

Publication rate and comment periods:

- Published once a week for 4 consecutive weeks with a 30 day comment period from the last date of publication –

New permit applications *
CSMO permit renewals*

Significant Revisions*
Bond Releases **

- Published once a week for 2 consecutive weeks with a 30 day comment period from the 1st date of publication –

Transfer applications **
Ownership/control revisions**

NPDES renewals/revisions

- * Copy placed at courthouse (approved public office) for public inspection
- ** Copy displayed at DMLR's Big Stone Gap office.

MEMORANDUM # 12-94

Application (Corrections) Submittal; Anniversary Fees (issued 12/5/94, updated 10/1/01)

Permittees or consultants no longer will be required to –

- have the DMLR field inspector review and initial corrections on applications, unless a major change occurs or review is requested in the DMLR's comment letter.
- Provide a copy of the application for the inspector at the initial submittal. They only need to submit a final copy for the inspector upon approval of the application.

Anniversary fees – the permittee needs to submit the required anniversary fee to the DMLR office with a statement that provides –

- Permittee name.
- Permit number.
- The number of disturbed acres on the permitted operation.

A seeding report (**DMLR-PT-011**) may be submitted separately or with the anniversary fees. An anniversary map is no longer required.

MEMORANDUM # 2-95

Coal Combustion By-Products Guidelines (issued 1/30/95, updated 10/1/01)

The Division will implement the requirements of §9 VAC 20-85-10 et seq. for the use of coal combustion by-products on permits issued under the Virginia Coal Surface Mining Reclamation Regulations (4 VAC 25-130-700.1 et seq.). The **Coal Combustion By-Products Guidelines** are to be used in conjunction with the aforementioned regulations.

MEMORANDUM # 5-95

Highwall Settlement Guidelines (issued 8/3/95, updated 10/1/01)

The following guidelines set forth the procedures to be used by DMLR to determine whether or not a settled highwall must be re-eliminated.

(§§4 VAC 25-130-816.102 and 4 VAC 25-130-817.102)

1. Completion of initial backfilling and grading per 4 VAC 25-130-816/817.102
2. Inspector will confirm compliance (photos & inspection report) before backfilling and grading approval is granted.
3. 1 year after backfilling, Inspector will document occurrence and extent of each area of backfill settlement, noting – areas of settlement less than 3 feet; in excess of 3 feet; those with stability problems; and where land use problems may exist.
4. Inspector will document each occurrence and extent of backfill settlement during each complete inspection (quarterly).
5. DMLR to evaluate each occurrence of settlement to determine if stability or land use problems exist.
6. Re-exposure of highwall result of instability – DMLR will require mitigation, including re-elimination of highwall as soon as possible.
7. After 18 months, should DMLR determine settlement interferes with postmining land use implementation, permittee will be instructed to mitigate settlement, total highwall re-

elimination (45 days, with extensions possible based upon site-specific situation). Failure to comply may result in enforcement action (4 VAC 25-130.816/817.133(a)).

8. Post 18 months - settlement in excess of 3 feet deemed impediment to the post mining land use and final bond release would not be considered until areas of wall exceeding 3 feet are re-eliminated. DMLR will instruct mitigation of settlement in areas exceeding 3 feet (45 days, with extensions possible based upon site-specific situation). Failure to comply may result in enforcement action (4 VAC 25-130.816/817.133(a)).
9. Areas re-disturbed to eliminate settlement will be evaluated by DMLR to determine whether any portion or all of the permit must have the bond liability period extended per 4 VAC 25-130.816/817.116. The full period of liability will be applied if more than 10% of the applicable area is significantly re-disturbed. (see **Normal Husbandry Practices**).

Highwall settlement of 3 feet or less will be allowed, provided –

- a. The highwall must have been originally totally eliminated.
- b. A certification from a professional engineer is submitted to the DMLR attesting that the highwall is stable and no stability problems exist.
- c. There are no other existing violations associated with the highwall backfill.

MEMORANDUM # 6-95

Biosolids Use Guidelines (issued 8/9/95, updated 10/1/01)

The Division will implement the requirements of 12 VAC 5-585 et seq. for the use of biosolids on permits issued under the Virginia Coal Surface Mining Reclamation Regulations (4 VAC 25-130-700.1 et seq.). The **Biosolids Use Guidelines** are to be used in conjunction with the aforementioned regulations.

MEMORANDUM # 3-96

Guidelines for Husbandry & Reclamation Practices (issued 7/9/96, updated 10/1/01)

The recommended husbandry and reclamation practices will promote timber production on reclaimed lands:

Forestry Reclamation Practices

1. Spoil selection – in addition to available topsoil, at least 4 feet of good quality mine spoil should be placed at the surface (to accommodate needs of deeply rooted trees). Mine spoils with low to moderate levels of soluble salts and pH of 4.5 to 6.5. Sandy loam texture is preferred.
2. Grading – Compaction should be minimized in final lift. Dumping and leveling should be done in separate operations. Trucks delivering final layer can place in tightly spaced piles across whole area. Bulldozer can knock off top of piles and gently level the area with 1 or 2 passes (for use in areas with slopes 2:1 or less).
3. Tree compatible ground cover – Ground covers should include slow growing grasses and legumes species (having a sprawling growth form) which are tolerant of acid mine soils (pH 4.5 to 6.5).

Kentucky-31 tall fescue and all clovers (except ladino) should be avoided. Typical seed mixture for this practice:

Species	Rate – lbs/acre		Species	Rate – lbs/acre
Foxtail millet (spring only)	5		Orchard grass	15
Rye (fall only)	30		Kobe lespedeza	5
Red top	2		Birdsfoot trefoil	5
Weeping lovegrass	2		Appalow lespedeza	5
Perennial ryegrass	5		Ladino clover	3
			Fertilizer of 10-20-20	300

4. Tree species selection – crop trees and nitrogen fixing nurse trees or shrubs are recommended.

Crop trees	1) Pines , <i>pitch x loblolly pine hybrid, white pine, Virginia pine.</i> 2) Hardwoods : <i>yellow poplar, oak species, white ash, sycamore, red maple, sugar maple, black cherry</i>
Nurse trees or shrubs	<i>Black locust</i> (should not be used with <i>white pine</i>), <i>European black alder</i> (use with <i>white pine</i>), <i>bicolor lespedeza</i> , <i>autumn olive</i> , <i>indigo bush</i> , <i>bristly locust</i> .

5. Husbandry practices which will be allowed when forestry application is part of the post mining land use.
- Split fertilizer application
 - Ground cover – approximately 70% 1st year; however 90% cover must be present when bond reduction/release requested.
 - Species specific stem count for crop trees – Either pines or hardwoods will be selected. Hardwoods should be planted in mixtures of 3 or more species on approximate spacing of 10 feet by 10 feet to achieve 400 to 450 trees/acre.
 - Nurse trees/shrubs – planted or hydroseeded with groundcover. Seedlings should be interplanted on a 15 X 15 feet spacing to achieve approximately 200/acre. More than 200 stems/acre by age 2 will have negative impact on crop trees.
 - Spot herbicide application recommended when ground cover growth is especially vigorous to reduce competition and allow trees to become established.

Remining Permit Streamline Procedures

- Application content – provide standard application information and any information to detail the various mining incentives (e.g., AML features to be reclaimed, reasonable available spoil to be used to reclaim AML features).
- Application preparation – use of standardized forms (*DMLR-PT-034e*) and digital mapping.
- Field reviews – DMLR remining permit review team will provide consultation prior to, during and after permit preparation, as requested; assist industry's and consultant's location of remining/AML features upon request (DMLR GPS capability); coordinate up-front site visits and review with other state and federal agencies to facilitate the permitting process; consider alternate sediment control designs if compliance can be

demonstrated (alternate designs to be included in the sediment control designs of the permit).

MEMORANDUM # 3-98

Permit Streamline Procedures (issued 6/16/98, updated 10/1/01)

Inspector's Copy of Completed/Approved Permit Application

The permittee must submit the Inspector's copy of the complete and correct application upon completion of the application review (same time the OSM copy is provided to DMLR).
4 VAC 25-130-773.15

Midterm Reviews

DMLR shall conduct the comprehensive review of the permit at the middle of the permit's term. 4 VAC 25-130-774.11

RENEWAL APPLICATIONS (4 VAC 25-130-774.15)

When renewing a permit, the following material needs to be submitted to the DMLR:

- If the permittee wishes to **renew an existing permit under its current boundaries and conditions** –
 1. Application for permit renewal
 - (a) DMLR-PT-034e – (type of application code = **TJ**). If there are no changes to the existing plans, only the applicable portions of Sections 1 through 3.
 - (b) DMLR-PT-034D – certification.
 - (c) DMLR-PT-034p/DMLR-PT-034o – only if there are changes to the information currently on file with the Division.
 2. NPDES application (DMLR-PT-128).
 3. Sample public notice.
 4. Proof of publication (must be filed with the Division and made a part of the complete application not later than 4 weeks after the date of publication).
 5. Proof of liability insurance coverage (copy of the current policy on file).
 6. Renewal map with legend (DMLR-PT-017).
 7. Map showing the extent of underground mining (if applicable).
 8. Operator's seeding report (DMLR-PT-011) – only if seeding has occurred since progress report from the previous year.
 9. Evidence that the performance bond is in full force.
- If the permittee wishes to **revise the current plans or extend the mining and reclamation operation beyond the boundaries authorized in the existing permit**, *two separate application packages are to be submitted* as follows, so the DMLR can clearly distinguish between the renewal and revision applications:

1. **Revision application - DMLR-PT-034e:** Include Sections 1, 2, 21 and those sections proposed to be revised and all applicable sections of the application for the areas to be amended to the existing permit; and
2. **Renewal application** - (see above).

MEMORANDUM # 4-98

Remining Incentives (issued 7/10/98, updated 10/1/01)

A permittee can qualify for a reduction in the responsibility period for successful revegetation by clearly distinguishing between remined areas and the other areas of the permit. The timing of bond release on the remined segments can be reduced from 5 to 2 years following the date of last augmented seeding. In order to qualify for the other incentives, a permittee or applicant must provide the applicable information required under Part 4 VAC 25-130-785. Remining incentives cannot apply to an existing permit until a permit revision is submitted and approved.

MEMORANDUM # 5-98

Permit Information - Acreage Amendments (issued 9/18/98, updated 10/1/01)

Consistent with 4 VAC 25-130-774.13(d), any request for a non-incidental extension to the area covered by an existing permit shall be made by application for a new permit (forms – **DMLR-PT-034e**, **DMLR-PT-034p**, & **DMLR-PT-034o**).

The Permittee may use one of the following to add **non-incidental acreage**, the application may:

1. Be for a completely new permit for the proposed area (new permit number would be issued).
2. Add the proposed acreage to the existing permit (permit number would remain the same, with the same anniversary and expiration dates). The application can reference applicable portions of the approved permit plans (with copies of the relevant sections included); however, it must provide all the information required for approval of a new permit for the proposed additional area. If the additional area affect any portions of the existing permit plans, those portions must also be updated and included with the application package.

Should DMLR find that the new area is not a functional extension of the existing permit, but rather a separate operation, the DMLR may require an application for a separate permit.

Incidental Boundary Revisions (IBR)

4 VAC 25-130-774.13(d)

Include only minor changes to permit boundaries that are incidental to the approved operations (i.e., road alignment, drainage alignment, parking areas, additional entries/punchouts for underground operations, or other non-coal removal functions necessary for the orderly and continuous conduct of the approved operation).

- Proposal to increase area available for coal removal will not be accepted as an IBR unless the coal removal is incidental to the primary purpose of the revision.
- DMLR may approve *small adjustments* to permit boundary as an IBR when there is no net increase in the permitted area.

MEMORANDUM # 9-98

Permit Streamline Procedures - Forms (issued 12/17/98, updated 10/1/01)

As of March 1, 1999, the Division will require permitting action be submitted on the following forms. (If you are just revising permittee or operator information, you need only submit the completed DMLR-PT-034o or DMLR-PT-034p, as applicable.) The certification form (DMLR-PT-034D) needs to be submitted with each application package.

DMLR-PT-034e	<u>Application for Coal Surface Mining and Reclamation Operations.</u> General and Technical Information
DMLR-PT-034eg	<u>Application Guide.</u> (The guide will identify the other permitting forms which may be used.)
DMLR-PT-034p	<u>Application for Coal Surface Mining and Reclamation Operations</u> <u>Permittee Information</u>
DMLR-PT-034pg	<u>Application for Guide – Permittee Information</u>
DMLR-PT-034o	<u>Application for Coal Surface Mining and Reclamation Operations -</u> <u>Operator Information</u>
DMLR-PT-034og	<u>Application for Guide – Operator Information</u>
DMLR-PT-034D	<u>Certification of Application</u>

The DMLR permitting forms are available through the Internet (<http://www.mme.state.va.us/Dmlr/default.htm>) in Acrobat, WordPerfect, and Microsoft Word versions.

RENEWAL APPLICATIONS (4 VAC 25-130-774.15)

When renewing a permit, the following material needs to be submitted to the DMLR:

- If the permittee wishes to **renew an existing permit under its current boundaries and conditions** –
 1. Application for permit renewal
 - (a) **DMLR-PT-034e** – (type of application code = **TJ**). If there are no changes to the existing plans, only the applicable portions of Sections 1 through 3.
 - (b) **DMLR-PT-034D** – certification.

- (c) **DMLR-PT-034p/DMLR-PT-034o** – only if there are changes to the information currently on file with the Division.
 - 2. NPDES application (**DMLR-PT-128**).
 - 3. Sample public notice.
 - 4. Proof of publication (must be filed with the Division and made a part of the complete application not later than 4 weeks after the date of publication).
 - 5. Proof of liability insurance coverage (copy of the current policy on file).
 - 6. Renewal map with legend (**DMLR-PT-017**).
 - 7. Map showing the extent of underground mining (if applicable).
 - 8. Operator's seeding report (**DMLR-PT-011**) – only if seeding has occurred since progress report from the previous year.
 - 9. Evidence that the performance bond is in full force.
- If the permittee wishes to **revise the current plans or extend the mining and reclamation operation beyond the boundaries authorized in the existing permit**, *two separate application packages are to be submitted* as follows, so the DMLR can clearly distinguish between the renewal and revision applications:
 - 1. **Revision application - DMLR-PT-034e**: Include Sections 1, 2, 21 and those sections proposed to be revised and all applicable sections of the application for the areas to be amended to the existing permit; and
 - 2. **Renewal application** - (see above).

Midterm Evaluations

The Division will conduct the detailed comprehensive review of the existing permit at the middle of the permit's term (as per 4 VAC 25-130-774.11(a) of the regulations). As part of the Division's mid term permit evaluation, it may request a reassessment of the Probable Hydrologic Consequences (PHC) determination.

Upon completion of the Division's mid term evaluation (field and technical review), the permittee will be notified of the DMLR findings. The notification letter will inform the permittee that the permit's plans are:

- adequate and no permit revision is required;
- adequate; however, an updated PHC assessment report is required; or
- inadequate; the letter will list the sections (under **DMLR-PT-034e**) that need to be revised.

MEMORANDUM # 2-99

Reduction – Copies of Complete Application Submittal (issued 4/19/99, updated 10/1/01)

When submitting permit or revision applications to the DMLR, you no longer need to include a complete copy for the Office of Surface Mining (OSM). Furnish only a copy of the

administrative data (DMLR-PT-034e), permit maps, and oversized cross-sections for review by OSM.

DEQ will only need 1 copy for review by its Air and Water Quality Divisions.

MEMORANDUM # 3-99

Groundwater Monitoring Frequency (issued 11/5/99, updated 10/1/01)

The frequency for sampling and analyzing groundwater monitoring points for field parameters is changed from bi-weekly to twice each month, at least 7 days apart.

If the permit's groundwater monitoring plan contains any other frequency, this memorandum does not modify the plan. Any other frequency change(s) must be requested through an appropriate revision application. Form **DMLR-PT-101** was revised to reflect the frequency change.